

HOUSE BILL No. 1845

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-14.

Synopsis: Conversion to Class 1 public library status. Allows a town and a township in Kosciusko County that are participants in a library services authority to convert the library services authority to a Class 1 public library. Provides that the board of directors of the library services authority may recommend any of its members or any other qualified persons for appointment to the board of the new library district. Requires the appropriate appointing authorities to follow the recommendations made by the board of directors if the authorities agree that the persons recommended will best serve the interests of the new library district. Provides that the budgeting procedures of the library services authority remain in effect until a budget, tax rate, and tax levy are adopted and fixed according to the procedures for Class 1 public libraries.

Effective: Upon passage.

Ruppel, Wolkins

January 23, 2003, read first time and referred to Committee on Human Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1845

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-14-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Except as**
3 **provided in section 3.5 of this chapter**, the legislative body of a
4 municipality, township, county, or part of a county, any of which is not
5 already taxed for public library purposes, that has:

6 (1) a population of at least ten thousand (10,000); or

7 (2) an assessed valuation that is at least as high as the median of
8 the most recent certified assessed valuation of the ten (10) library
9 taxing districts closest in population to ten thousand (10,000);
10 may establish a public library for the residents of that municipality,
11 township, county, or part of the county.

12 (b) The establishment of the public library may be initiated either
13 by:

14 (1) the legislative body passing a written resolution; or

15 (2) the filing of a petition with the legislative body that has been
16 signed by at least twenty percent (20%) of the registered voters of
17 the municipality, township, county, or part of a county, as



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determined by the last preceding general election.

(c) If a petition is filed under subsection (b)(2), then within ten (10) days after the filing, the municipality, township, county, or part of a county shall give notice of the filing of the petition in two (2) newspapers of general circulation in the county, one (1) of which is published in the municipality where the library is to be located, if a newspaper is published in the municipality.

(d) Within ten (10) days after the publication of the petition, any registered voter in the municipality, township, county, or part of a county where the public library is proposed to be established may file with the respective municipality, township, or county a remonstrance that:

(1) is signed by registered voters in the municipality, township, county, or part of the county where the public library is proposed to be established; and

(2) states that those registered voters who have signed the remonstrance are opposed to the establishment of the public library.

(e) The following apply to a petition that is filed under subsection (b)(2) or a remonstrance that is filed under subsection (d):

(1) The petition or remonstrance must show the following:

(A) The date on which each person signed the petition or remonstrance.

(B) The residence of each person on the date the person signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the person circulating the petition or remonstrance stating that each signature on the petition or remonstrance:

(A) was affixed in the person's presence; and

(B) is the true signature of the person who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit as described in subdivision (2). Any signer may file the petition, remonstrance, or any copy. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county where the municipality, township, county, or part of a county where the public library that is proposed to be established is located shall do the following:

(A) If a name appears more than one (1) time on a petition or

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on a remonstrance, the clerk shall strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both (if the person signed both a petition and a remonstrance).

(B) Strike the name from either the petition or the remonstrance of a person who:

- (i) signed both the petition and the remonstrance; and
- (ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the person's name from the petition or the remonstrance.

(C) Not more than fifteen (15) days after a petition or remonstrance is filed, certify the number of signatures on the petition or remonstrance that:

- (i) are not duplicates; and
- (ii) represent persons who are registered voters in the municipality, township, county, or part of a county where the public library is proposed to be established, on the day the persons signed the petition or remonstrance.

(D) Establish a record of the clerk's certification in the clerk's office and file the original petition, the original remonstrance if any, and a copy of the clerk's certification with the legislative body of the municipality, township, or county.

The clerk of the circuit court may only strike a person's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(f) At its first meeting, held at least ten (10) days after the publication of the petition, the legislative body shall compare the petition and any remonstrance. When a remonstrance has not been filed or a greater number of voters have signed the petition than have signed the remonstrance against the establishment of the public library, the legislative body shall establish by written resolution the public library with a library district coextensive with the boundaries of the unit or part of a county, whichever is applicable. The establishment of the public library is effective as of the date the written resolution is passed. The legislative body shall file a copy of the resolution within five (5) days:

- (1) with the office of the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

(g) The legislative body shall give notice to all officials who have the power to appoint members of the library board for the new public library under IC 20-14-2.5-4, and these officials shall appoint the library board for the new public library under IC 20-14-2.5-4 as soon

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as possible after their notification.

(h) When an equal or greater number of registered voters have signed a remonstrance against the establishment of the public library than the number who have signed the petition in favor of the establishment of the public library, then the legislative body shall dismiss the petition. Another petition to establish a public library may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

SECTION 2. IC 20-14-2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) This section applies to:**

(1) a town having a population of more than one thousand (1,000) but less than one thousand five hundred (1,500) located in a county having a population of more than seventy-four thousand (74,000) but less than eighty thousand (80,000); and

(2) a township having a population of more than six thousand (6,000) but less than seven thousand (7,000) located in a county having a population of more than seventy-four thousand (74,000) but less than eighty thousand (80,000).

(b) A town and a township that are participants in a library services authority established under IC 20-14-8 before January 1, 2003, may convert the library services authority to a Class 1 library district if the board of directors of the library services authority passes the following resolution of conversion:

" _____ Library Services Authority, by action of its board of directors, resolves to convert to a Class 1 library district subject to IC 20-14-2 and IC 20-14-2.5."

The resolution of conversion must describe the territory included in the library district.

(c) The resolution of conversion must be signed by a majority of the board of directors of the library services authority. Not later than five (5) days after the resolution is adopted, the board of directors shall file a copy of the resolution:

(1) in the office of the county recorder in the county where the administrative office of the library services authority is located; and

(2) with the Indiana state library.

(d) The board of directors of the library services authority shall give notice of the conversion to all officials who have appointive powers under IC 20-14-2.5, and those officials shall appoint a library board for the public library district, subject to

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IC 20-14-2.5-10.5. Members of the board of directors of the library services authority being converted:

(1) shall continue to serve as library board members until a majority of the new library board has been appointed and the new appointees have taken an oath of office to serve on the board; and

(2) may serve as members on the new library board if appointed by an appointing authority under IC 20-14-2.5-10.5.

(e) A conversion under this section is effective upon:

(1) the filing of the resolution under subsection (c);

(2) the appointments under IC 20-14-2.5; and

(3) the taking of the oath of office by the new library board under IC 20-14-2.5-13.

The budget that was adopted by the library services authority under IC 20-14-9-8 and is in effect at the time of the conversion remains in effect and is renewed for the new library district until a budget, tax levy, and tax rate are finally adopted and fixed in accordance with the tax provisions for Class 1 libraries under IC 20-14-3-10.

SECTION 3. IC 20-14-2.5-4, AS AMENDED BY P.L.50-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Except as provided in section 9.5 of this chapter, and subject to ~~section~~ **sections 10 and 10.5** of this chapter, seven (7) members of a library board shall be appointed as follows:

(1) One (1) member appointed by the executive of the county in which the library district is located, or if the district is located in more than one (1) county, jointly by the executives of the respective counties.

(2) One (1) member appointed by the fiscal body of the county in which the library district is located, or if the district is located in more than one (1) county, jointly by the fiscal bodies of the respective counties.

(3) Three (3) members appointed by the school board of the school corporation serving the library district. However, if there is more than one (1) school corporation serving the library district:

(A) two (2) members shall be appointed by the school board of the school corporation in which the principal offices of the public library are located; and

(B) one (1) member shall be appointed by a majority vote of the presidents of the school boards of the other school

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corporations.

(4) One (1) member appointed under section 5(1), 6(b)(1), 7(1), 8(1), or 9(1), of this chapter, as applicable.

(5) One (1) member appointed under section 5(2), 6(b)(2), 7(2), 8(2), or 9(2) of this chapter, as applicable.

SECTION 4. IC 20-14-2.5-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.5. (a) This section applies to the appointment of members to a library board of a library district that is established by the conversion of a library services authority under IC 20-14-2-3.5.**

(b) In its notice of conversion to all officials who have appointive powers under this chapter, as required by IC 20-14-2-3.5(d), the board of directors of the library services authority being converted may recommend for appointment to the new library board:

(1) one (1) or more members of the board of directors of the library services authority; or

(2) any other person who in the opinion of the board of directors of the library services authority will best serve the interests of the new library district.

(c) In making an appointment to the new library board, an appointing authority shall follow any recommendation received under subsection (b) if the appointing authority agrees that the person recommended for appointment will best serve the interests of the new library district.

(d) If a member of the board of directors of the library services authority is appointed to the board of the new library district, the member's service on the board of directors of the library services authority may not be considered in determining the number of consecutive terms a member may serve on a library board under IC 20-14-2.5-3.

SECTION 5. IC 20-14-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a) Any qualified entity that is a participant in the library services authority may withdraw from the authority by any recorded act of that qualified entity:**

(1) after it has made provisions for the payment and performance of its obligations; and

(2) upon notification to the library services authority, six (6) months before the end of the fiscal year in which it is participating in the library services authority, that it is discontinuing its participation in the library services authority.

(b) Upon discontinuing participation in the library services

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1 authority, the discontinuing qualified entity relinquishes its rights to
 2 any funds, supplies, materials, equipment, or other real or personal
 3 property held by or belonging to the authority and in which the
 4 qualified entity had a right by virtue of its participation, unless
 5 provision to the contrary is made by the official action of the board of
 6 directors.

7 (c) Upon the receipt of notification to discontinue participation and
 8 the satisfaction of all obligations by the withdrawing participant, the
 9 board of directors shall officially note the withdrawal and shall file
 10 notice of the resulting change in the joint agreement:

11 (1) in the office of the recorder of the county in which the
 12 authority's principal place of business is located; and

13 (2) with the Indiana state library.

14 (d) The library services authority is dissolved when:

15 (1) the board of directors of the authority votes to dissolve it;

16 (2) such action is de facto by the notice of discontinuance of
 17 participation by the next to last remaining participant; ~~or~~

18 (3) there is an excessive number of private qualified entities
 19 participating in the authority; **or**

20 (4) **the library services authority is converted to a Class 1**
 21 **library district under IC 20-14-2-3.5.**

22 Upon the occurrence of any of these conditions, the board of directors
 23 shall dispose of the assets by division among the participants at the
 24 time of dissolution and in the proportion and in the manner determined
 25 by the board of directors. **However, if dissolution occurs under**
 26 **subdivision (4), the assets of the library services authority become**
 27 **the assets of the new Class 1 library district.**

28 (e) The dissolution does not take effect until all legal and fiscal
 29 obligations of the library services authority have been satisfied, and an
 30 official record of the dissolution is filed in the office of the recorder of
 31 the county in which the authority's principal place of business is
 32 located. Until such satisfaction of obligations has occurred and the
 33 record of dissolution has been filed, the final members of the authority
 34 shall continue to be members. **In the case of a dissolution described**
 35 **in subsection (d)(4), the resolution of conversion required under**
 36 **IC 20-14-2-3.5 serves as the record of dissolution, and the**
 37 **dissolution of the library services authority takes effect on the date**
 38 **the conversion is effective under IC 20-14-2-3.5(e).**

39 SECTION 6. An emergency is declared for this act.



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